

**Notice of Allowability**

Application No.

10/736,609

Examiner

Janis L. Dote

Applicant(s)

SERIZAWA ET AL.

Art Unit

1756

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/9/05.
2. ☒ The allowed claim(s) is/are 1-7 and 9-12.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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1. The examiner acknowledges the cancellation of claim 8 and the amendments to claims 1, 3, 6, 10, and 11, set forth in the amendment filed on Mar. 9, 2005. Claims 1-7 and 9-12 are pending.

#### REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The objections to the specification set forth in the office action mailed on Dec. 14, 2004, paragraph 2, have been withdrawn in response to the amended paragraphs filed on Mar. 9, 2005, at pages 41, 54, 57, 58, 60-68, 100, and 102, of the specification.

The rejections of claims 1-12 under 35 U.S.C. 112, second paragraph, set forth in the office action mailed on Dec. 14, 2004, paragraph 4, have been withdrawn in response to the amendments filed on Mar. 9, 2004, to claims 1, 3, 6, 10, and 11.

The objection to claim 3 set forth in the office action mailed on Dec. 14, 2004, paragraph 5, has been withdrawn in response to the amendment filed on Mar. 9, 2005, to claim 3.

The rejections under 35 U.S.C. 103(a) of claims 1, 2, 4, 7, and 10-12 over US 5,968,701 (Onuma) combined with US 5,501,881 (Fuller), as evidenced by Webster's New World Dictionary, 3<sup>rd</sup> College edition, page 1165, and of claim 6 over Onuma combined

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with Fuller and US 5,066,558 (Hitake), set forth in the office action mailed on Dec. 14, 2004, paragraphs 9 and 10, respectively, have been withdrawn in response to the amendment filed on Mar. 9, 2005, to claim 1, adding the limitation recited in cancelled claim 8 that the "binder resin has a weight average molecular weight in a range of 150,000 to 500,000." As discussed in paragraph 9, Onuma teaches a toner in example 1 of Onuma that has a visco-elasticity storage modulus  $G'$  at 180°C that is within the storage elasticity  $G'$  recited in the instant claims. Onuma discloses that the toner in example 1 has a main peak in a molecular weight of 14,000. See Table 1 at col. 43, example 1. However, Onuma does not disclose that binder resin 1 in the toner has a weight average molecular weight (Mw) in the range of 150,000 to 500,000 as recited in instant claim 1. Nor is there enough evidence on the present record for a person having ordinary skill in the art to reasonably presume that the binder resin in the toner in example 1 of Onuma has a Mw as recited in instant claim 1.

Claims 1-7 and 9-12 are allowable over the prior art of record for the reasons discussed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD

Apr. 3 2005

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